

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **Chapter 13**
JAMES F FITZGERALD, III :
Debtor : **Bky. No. 11-15775 ELF**

ORDER

AND NOW, upon consideration of the Motion to Approve Mortgage Modification (“the Motion”) (Doc. # 90) filed by Deutsche Bank National Trust Company (“the Lender”), and after notice and hearing, and there being no objection thereto, it is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. The Debtor is **AUTHORIZED** to enter into the loan modification transaction as set forth in the Motion and to the extent that relief from the automatic stay is necessary for the parties to enter into the transaction, such relief is **GRANTED** to the Lender.
3. Except as provided in Paragraph 4 below, if applicable, the confirmed plan remains **IN FULL FORCE AND EFFECT** and **THE TRUSTEE MAY DISTRIBUTE THE PLAN PAYMENTS** as provided in the plan.
4. If: (a) the confirmed chapter 13 plan provides for the cure of prepetition arrears under 11 U.S.C. §1322(b)(5) and (b) the loan modification provides for reinstatement of the loan account and the elimination of the pre-petition arrears, **THE TRUSTEE SHALL MAKE NO FURTHER DISTRIBUTION TO THE LENDER** on account of the Lender’s claim for pre-petition arrears under the confirmed chapter 13 plan and shall distribute the plan payments in accordance with the other provisions of the confirmed plan.

Date: January 5, 2017



**ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE**